

REMARKS

General Comments

Claims 1 and 3 have been amended to provide that the system for treating fabrics includes *inter alia* a benefit composition. Support for this amendment is found on page 6, lines 6 – 30; page 16, lines 34 – 37; and page 17, lines 1 – 14.

Restriction Requirement

Referring to page 2 of the January 8, 2007 Office Action regarding the restriction requirement between Group I (Claims 1 – 4 and 6 – 10) and Group II (Claims 11 – 16 and 18 – 21), the Examiner indicates that the subject matter of the claims of Group II possess a different use than the subject matter of the claims of Group I. To support this assertion, the Examiner indicates that the subject matter of the claims of Group II could be used for “treatment of any sandy or particulate materials”. Applicants respectfully submit that to the best of Applicants’ understanding of the meaning of the Examiner’s example (i.e., “treatment of any sandy or particulate materials”) it would appear that the subject matter of the claims of Group I may also potentially be used for the same purpose as the subject matter of the Claims of Group II. Hence, the requirements for distinctness needed to sustain a restriction requirement in accordance with M.P.E.P. §806.05(c) would not be met. Therefore, Applicants respectfully request reconsideration and withdrawal of the restriction requirement between the claims of Group I and the claims of Group II.

Claim Objections

Pages 2 and 3 of the Office Action indicate that Claim 3 is objected to as being of improper dependent form for failing to further limit the subject matter of a Claim 1. Applicants have rewritten Claim 3 in independent form as suggested by the Examiner. Hence, as this objection has been overcome, Applicants respectfully request the objection be withdrawn.

35 U.S.C. §102(b) Rejections

Claims 1 – 2, 4, and 6 – 10 are rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,980,583 issued to Staub et al. (hereinafter “Staub et al.”) for the reasons of record stated on page 3 of the Office Action. Claims 1 – 2, 4, and 6 – 10 are rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 3,180,037 issued to Kenreich et al. (hereinafter “Kenreich et al.”) for the reasons of record stated on pages 3 and 4 of the Office Action.

Applicants respectfully traverse these rejections in light of the amendments to the claims and the following comments. Staub et al. purports to relate to a method of manufacturing durable press garments by inserting garments into a tumbling apparatus in a manner to form a tunnel defined by the garments. Kenreich et al. purports to relate to a fabric bleaching apparatus for use in clothes dryers. Neither Staub et al. nor Kenreich et al. disclose a system for treating fabrics comprising *inter alia* a fabric article treating device comprising a benefit composition wherein the benefit composition is heated by an exothermic reaction which is a metal oxidation reaction, a saturated salt reaction, or a combination thereof. Hence, as the references do not anticipate the invention claimed

by Applicants, it is respectfully requested that the rejections under 35 U.S.C. §102 be reconsidered and withdrawn and Claims 1 – 2, 4, and 6 – 10 be allowed.

35 U.S.C. §103 Rejections

Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Staub et al. or Kenreich et al. for the reasons of record stated on pages 4 - 5 of the Office Action.

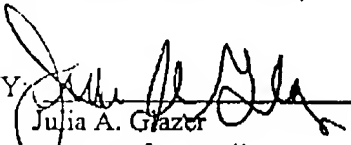
Applicants respectfully traverse this rejection. "In order to establish a *prima facie* case of obviousness, three basic criteria must be met: First, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure (emphasis added)." M.P.E.P. §2142 citing *In re Vacek*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Neither Staub et al. nor Kenreich et al. teach or suggest a fabric article treating device which is integral with a closure structure. Furthermore, neither Staub et al. nor Kenreich et al. teach or suggest a fabric article treating device comprising a benefit composition wherein the benefit composition is heated by an exothermic reaction which is a metal oxidation reaction, a saturated salt reaction, or a combination thereof. Hence, as Claim 3 is unobvious over Staub et al. and unobvious over Kenreich et al., Applicants respectfully request that this rejection be reconsidered and withdrawn and this claim allowed.

SUMMARY

This is responsive to the Office Action dated January 8, 2007. A one-month extension of time is requested to respond to this action. Authorization is provided to charge any fees associated with this response to Deposit Account No.: 16-2480.

Respectfully submitted,
FOR: PANCHERI ET AL.;

BY: 
Julia A. Grazer
Attorney for Applicants
Registration No. 41,783
(513) 627-4132

May 6, 2007
Cincinnati, Ohio